

MITIGATED NEGATIVE DECLARATION

April 5, 2007

Project Name: Giffin

Project Number(s): TPM 20826RPL², Log No. 04-09-008

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Biology (Stephen's Kangaroo Rat), Hydrology, and Stormwater.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.
2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. TRANSPORTATION

1. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

B. NOISE

1. On the Final Parcel Map the applicant shall:

Grant to the County of San Diego a Noise Protection Easement over a strip of land 280 feet from the centerline of Montecito Road on Parcels 1 and 2 of Tentative Parcel Map 20826. This easement is for the mitigation of present and anticipated future excess noise levels on residential uses of the affected parcels. The easement shall require:

Prior to the issuance of any building or grading permit for any residential use within the noise protection easement, the applicant shall:

- a. Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County certified acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)] and the Ramona Community Plan. Future traffic noise level estimates for Montecito Road shall use a traffic flow equivalent to a Level of Service "C" traffic flow for a Collector road that is the designated General Plan Circulation Element buildout roadway classification.
- b. Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY

1. Prior to recordation, a registered civil engineer, a registered traffic engineer, or a licensed land surveyor shall provide a signed statement that physically, there is a minimum unobstructed sight distance along Montecito Road in both directions from the private easement road opening, for the prevailing operating speed of traffic on Montecito Road. Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required. The engineer or surveyor shall further certify that the sight distance of adjacent driveways and street openings will not be adversely affected by this project. These certifications shall be approved to the satisfaction of the Department of Public Works.
2. The Parcel Map shall show a minimum forty foot (40') wide private road easement, centered on the common boundary of Parcels 1 & 2, from the centerline of Montecito Road northerly for a distance of one hundred ten feet (110'), to the satisfaction of the Ramona Fire Protection District/CDF and the Department of Public Works.
3. Offer to dedicate the right-of-way required to complete a thirty-five foot (35') wide, one-half right-of-way width on the northerly side of the centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-five foot (35') limit for that portion within the land division for Montecito Road. The Parcel Map shall be prepared to show the offer being accepted.

4. Offer to dedicate the right-of-way required to complete a thirty-five foot (35') wide, one-half right-of-way width on the northerly side of the ultimate centerline, plus the right to construct and maintain slopes and drainage improvements as required beyond the thirty-five foot (35') limit for that portion within the land division for Montecito Road (SC 931). The Parcel Map shall be prepared to show the offer being rejected.
5. Any dedication or offer of dedication shall be free of any burdens or encumbrances which would interfere with the purpose for which the dedication or offer of dedication is required. All access easements for any utilities must be plotted on the Parcel Map.
6. The subdivider shall relinquish access rights onto Montecito Road and Montecito Road (SC 931), except for one (1) forty-foot (40') wide private road easement opening centered on the common boundary of Parcels 1 & 2.
7. Prior to preparation of the Parcel Map, the engineer or surveyor preparing the map shall contact the County of San Diego, Department of Public Works (DPW) (858) 874-4204, to determine the desired location of the centerline for Montecito Road (SC 931), which is shown on the Circulation Element of the County General Plan as a Rural Collector Road with bike lanes. The following shall be shown on the Parcel Map:
 - a. The centerline location as approved by the County of San Diego, Department of Public Works. Contact the Route Locations Section (858) 874-4204 for this location.
 - b. The width of the right-of-way which is forty-seven feet (47') from the centerline and identified by a line drawn at the appropriate location and labeled, "Limit of Proposed Street Widening." The additional five feet (5') is for a bicycle facility.
 - c. A building line which is seventy-seven feet (77') from the centerline of the road and identified by a line drawn at the appropriate location and labeled, "Limit of Building Line."
 - d. Show the ultimate drainage and slope limits on the Parcel Map. A profile and cross-section sufficient to verify these limits shall be submitted to the Route Locations Section

(858) 874-4204 of the Department of Public Works for review and approval.

8. The subdivider shall authorize DPW Lighting District to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The subdivider shall pay the cost of processing by making a minimum deposit at Land Development Counter Services.
9. The subdivider shall provide for maintenance of the on-site private road that serves the project through a private road maintenance agreement.
10. An avigation and/or an overflight easement shall be required, to the satisfaction of the Department of Public Works.
11. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Department of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from AT&T/SBC.
12. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.
13. Lines of inundation to the limits of the 100-year flood along the watercourse, which flows through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.
 - a. The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the 100-year floodplain limits and annotate the limits on a copy of the Tentative Parcel Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood-

free building site to the satisfaction of the County of San Diego, Department of Public Works. If any of the parcels are found to be devoid of a buildable, flood-free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood-free site. This pertains to watersheds having area of twenty-five (25) or more acres.

- B. BECAUSE THEY HAVE BEEN FOUND NECESSARY FOR THE PUBLIC HEALTH AND SAFETY AND ARE A NECESSARY PREREQUISITE TO THE ORDERLY DEVELOPMENT OF THE AREA, THE FOLLOWING PUBLIC IMPROVEMENTS MUST BE COMPLETED OR A SECURED AGREEMENT EXECUTED, PRIOR TO RECORDING A PARCEL MAP. THE AGREEMENT REQUIRES POSTING OF SECURITY IN FORM OF A CASH DEPOSIT, IRREVOCABLE LETTER OF CREDIT OR AN INSTRUMENT OF CREDIT VALUED AT, OR MORE THAN THE ESTIMATED IMPROVEMENT COST. IT ALSO REQUIRES IMPROVEMENTS BE COMPLETED WITHIN TWENTY-FOUR (24) MONTHS FROM THE DATE OF RECORDING THE PARCEL MAP OR PRIOR TO THE ISSUANCE OF A PERMIT OR OTHER GRANT OF APPROVAL FOR THE DEVELOPMENT OF A PARCEL CREATED BY THIS MAP, WHICHEVER OCCURS FIRST UNLESS OTHERWISE NOTED. NOTE: THE PROCESSING OF SECURITY TAKES APPROXIMATELY TWO (2) MONTHS. YOU SHOULD INITIATE THIS PROCESS TWO (2) MONTHS PRIOR TO RECORDING THE PARCEL MAP.

1. Participate in the construction of planned drainage facilities for Zone 1, Planned Local Drainage Area 43E, by paying a drainage fee of \$1,330.

The Director of Planning and Land Use hereby determines that:

- a. The fee is to assist in financing the construction of the planned local drainage (PLD) facilities for Zone 1, Local Drainage Area 43E;
- b. The fee will be used to contribute toward the construction of drainage facilities such as: reinforced concrete pipe culverts, corrugated metal pipe culverts, concrete-lined trapezoidal channels, rock-lined channels, reinforced box culverts, concrete dip sections, energy dissipaters, rip-rap slope protection, etc., planned for Zone 1, Local Drainage Area

43E, specified in the Drainage Fee Ordinance No. 5856 (N.S.) on file with the County of San Diego, Department of Public Works;

- c. The Board of Supervisors has determined that facilities for the removal of surface and storm waters from local or neighborhood drainage areas within Zone 1, Local Drainage Area 43E, need to be constructed as subdivision of land and other development occurs such as that proposed by TPM 20826, to protect and benefit all property in the area;
 - d. To provide adequate flood protection for future occupants of this residential development, it is necessary to construct the planned drainage facilities to remove surface and storm waters from local or neighborhood drainage areas; and
 - e. The fees established for Zone 1, Local Drainage Area 43E, are based on estimated costs of the planned drainage facilities which are apportioned within the drainage area on the basis of benefit conferred on the property.
- C. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE COUNTY OF SAN DIEGO, DEPARTMENT OF PUBLIC WORKS, PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)

THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP

ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION".

IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUEL BREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. The private easement road, from Montecito Road northerly for a distance of approximately one hundred ten feet (110'), shall be graded twenty-four feet (24') wide and improved twenty feet (20') wide with asphalt concrete. The Improvement and Design Standards of Section 3.13(D) of the County Standards for Private Roads shall apply.
2. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading Group of the County of San Diego, Department of Public Works. All improvement plans shall be designed in accordance with County Standards for Private Roads.
3. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blue-line plans, and post an inspection deposit.

4. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The private easement road, including all slopes, from Montecito Road northerly for a distance of approximately one hundred ten feet (110'), is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
5. The structural section for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Roads. NOTE: The private road from Montecito Road northerly for a distance of approximately seventy-five feet (75') may be constructed to Improvement and Design Standards of Section 3.13(D) of the County Standards for Private Roads.
6. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Department of Public Works.
7. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

D. OTHER REQUIREMENTS

1. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance

with the Public Resources Code, all (Parcel) or (Subdivision) Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.

2. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map. For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's / engineer's certificate as shown on the final map.

3. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional

and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

4. All plans shall be in conformance with the following:
- Sections 811.201 through 811.602 of Ordinance No. 8334 pertaining to Flood Hazards
 - Sections 88.100 through 88.500 of Ordinance No. 3172 (amendments by Ordinances No. 5147, 5150, 5406, 5521, 5827, 6051, 7141, 7801, 7986) pertaining to Drainage and Watercourses
 - Sections 87.101 through 87.717 of Ordinance 2925 (amendments by Ordinances No. 3281, through 8691) pertaining to Excavation and Grading

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

JOSEPH FARACE, Planning Manager
Regulatory Planning Division

JF:CP:jcr

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